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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

WORD APE, LLC d/b/a CHOMCHOM ROLLER,	:	<b>Document Filed Electronically</b>
	:	
Plaintiff,	:	Civil Action No.
v.	:	
	:	
ONTEL PRODUCTS CORPORATION and LING	:	
FUN TRADING, LTD.	:	
	:	
Defendant.	:	
	x	

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**COMPLAINT AND DEMAND FOR TRIAL BY JURY**

Plaintiff Word Ape, LLC d/b/a ChomChom Roller (“ChomChom”) alleges the following as a basis for its claims against Defendants Ontel Products Corporation (“Ontel”) and Ling Fun Trading, Ltd. (“Ling Fun”) (collectively “Defendants”).

**JURISDICTION AND VENUE**

1. This action arises under the patent laws (35 U.S.C. §§ 271, 281, and 289). Original jurisdiction is conferred upon this Court pursuant to 28 U.S.C. §§ 1331 (federal question) and 1338(a) (patent matters).

2. This Court properly exercises personal jurisdiction over Defendants because Defendants have their primary offices in this state, have done and continues to do business in New Jersey, and have engaged in the accused acts of patent infringement in this jurisdiction and is, therefore, subject to the jurisdiction of this Court.

3. Venue is proper in the United States District Court for the District of New Jersey pursuant to 28 U.S.C. § 1391 and § 1400(b).

### **PARTIES**

4. ChomChom is a corporation organized and existing under the laws of the State of Washington and having its headquarters at 1 Lake Bellevue Drive, Suite 208, Bellevue, Washington 98005.

5. Ontel is a corporation organized under the laws of the State of New Jersey and has an office address of 21 Law Drive, Fairfield, New Jersey 07004.

6. Ling Fun is a corporation organized under the laws of New Jersey and has an office address of Unit 402, 4701 North Meridian, Miami Beach, FL 33140.

### **BACKGROUND**

7. U.S. Patent No. 8,117,706 (“the ’706 Patent”), titled “Manual Cleaning Instrument,” was filed on March 3, 2009, and issued on February 21, 2012. A true and accurate copy of the ’706 Patent is attached hereto as Exhibit 1.

8. Plaintiff is the exclusive licensee to the ’706 Patent with the right to enforce this patent in court and to recover damages for all infringement of any claim of the ’706 Patent.

9. Plaintiff has not licensed or otherwise authorized either Ontel or Ling Fun to make, sell, or offer for sale any product under the ’706 Patent.

10. Plaintiff makes and sells devices that embody one or more claims of the ’706 Patent under the name CHOMCHOM ROLLER®. Plaintiff sells this product through, *inter alia*, its website (<https://www.chomchomroller.com/>) and through the Marketplace at Amazon.com.

11. Plaintiff has constructively notified others of its patent rights by listing the '706 Patent number on Plaintiff's website (<chomchomroller.com>) where its patented product is sold. Plaintiff prominently displays its website URL on its product packaging.

**CLAIM FOR RELIEF**  
**Patent Infringement**

12. Defendants have infringed and continue to infringe, pursuant to 35 U.S.C. § 271, one or more claims of the '706 Patent by making, using, selling, offering to sell, and importing into the United States and this judicial district at least one product covered by one or more of the claims of the '706 Patent.

13. One such product is called the "FurDaddy Sonic Pet Hair Remover" ("FurDaddy product"). The bottom of the box for this product includes language indicating that this product is distributed by Ontel Products Corporation at 21 Law Drive, Fairfield, New Jersey 07004.

14. Ling Fun is the owner of U.S. Trademark Application Serial No. 88/845,671 for the mark FURDADDY for "Lint removers and pet hair removers."

15. On information and belief, Ling Fun imports the FurDaddy product for distribution by Ontel.

16. The FurDaddy product infringes at least claims 1 and 2 of the '706 Patent as shown in the claim chart attached hereto as Exhibit 2.

17. Defendants were sent a letter dated January 5, 2021, notifying them of infringement of the '706 Patent by the FurDaddy product. In a letter dated January 7, 2021, Defendants, through their counsel, denied infringement.

18. Defendants' acts of infringement have caused damage to Plaintiff, and Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial.

19. As a consequence of the infringement complained of herein, Plaintiff has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Defendants are enjoined by this Court from committing further acts of infringement of the '706 Patent.

20. One or more of Defendants' acts of infringement were made with knowledge of the '706 Patent. Such acts constitute willful infringement, make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285, and entitle Plaintiff to enhanced damages and an award of its reasonable attorney fees.

#### **REQUESTED RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment against Defendants as follows:

- A. A determination that Defendants have infringed the '706 Patent under 35 U.S.C. § 271;
- B. An order that the Defendants account for and pay to Plaintiff all damages caused by their infringement of the '706 Patent, and to enhance such damages by three times in light of Defendants' willful infringement, all in accordance with 35 U.S.C. § 284;
- C. An order that Defendants, their officers, agents, servants, employees, and all those persons in active concert or participation with them be permanently enjoined from further acts of patent infringement, including the making, using, selling, offering to sell, and importing the FurDaddy pet hair remover and colorable imitations thereof;

D. An order that Plaintiff be granted prejudgment and postjudgment interest on the damages caused to it by reason of Defendants' infringement of the '706 Patent;

E. A determination that this is an exceptional case;

F. An award to the Plaintiff of its reasonable attorney fees in accordance with 35 U.S.C. § 285;

G. An award of costs to the Plaintiff; and

H. An order that Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands trial by jury on all claims and issues so triable.

Respectfully submitted,  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
*Attorneys for Plaintiff Word Ape,  
LLC d/b/a ChomChom Roller*

Dated: July 30, 2021

By: s/ Aaron S. Eckenthal  
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**CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2**

The undersigned hereby certifies, pursuant to Local Civil Rule 11.2, that with respect to the matter in controversy herein, neither plaintiff nor plaintiff's attorney is aware of any other action pending in any court, or of any pending arbitration or administrative proceeding, to which this matter is subject.

Dated: July 30, 2021

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